January 11, 2010

RE: Intel Corporation:
Yosemite Creek Superfund Site:
EPA CERCLA Section 104(e) Request For Information
(Dated: October 15, 2009)

VIA EMAIL and FEDERAL EXPRESS

Craig Whitenack, Civil Investigator
United States Environmental Protection Agency
Region IX, Southern California Field Office
600 Wilshire Boulevard, Suite 1420
Los Angeles, California 90017

Dear Mr. Whitenack:

On behalf of Intel Corporation ("Intel"), this letter responds to the October 15, 2009 U.S. Environmental Protection Agency ("EPA") "Request for Information Pursuant to Section 104(e) of CERCLA for the Yosemite Creek Site" ("RFI") to Paul S. Otellini, President & CEO, Intel, and to Tom Cooper, Intel.

As a preliminary matter, we note that EPA's RFI was not sent by EPA to either of the Intel addressees of EPA's October 15, 2009 RFI and, instead, was sent to Beveridge & Diamond PC ("B&D"), who is counsel for the Yosemite Creek PRP Group ("Yosemite Group"). We note that in response to the February 21, 2008 EPA "General Notice of Potential Liability, Yosemite Creek Superfund Site" ("EPA General Notice Letter"), on June 30, 2008, Mr. van Aelstyn, of B&D, informed Mr. Massey, Office of Regional Counsel, Region IX, EPA, that:

> "the current eleven members of the [Yosemite] Group will be providing each of [the 28 other entities {which include Intel} listed in the June 30 letter] with a defense to EPA's claims with respect to the Yosemite Creek Site, subject to certain reservations of rights. Therefore, please direct any future correspondence regarding the Site that is intended for any of these 28 entities to me . . . ."

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Then, in response to the EPA RFI, on October 26, 2009, Mr. van Aelstyn wrote Mr. Massey to inform him:

> "that Beveridge & Diamond is not representing any of these entities with respect to their specific responses to the 104(e) Requests. However, as a courtesy to EPA and to these entities, we have forwarded the 104(e) Requests to the relevant contacts for each of the entities. . . . ¶ . . . [F]rom now on we expect that each of them and EPA will handle matters relating to the 104(e) Requests directly."

Notwithstanding the above, subject to both the general and specific objections provided below, and without waiving these or other available objections or privileges, Intel submits the following in response to the RFI in accordance with the January 11, 2010 due date that EPA has established for this response.

A. <u>Background Information Relevant to Intel's Response</u>

1. Scope of CERCLA Section 104(e) Request for Information

In the February 21, 2008 EPA General Notice Letter for the Yosemite Creek Superfund Site ("Site") and its attachment that were sent to Intel, EPA identified the specific source of contamination for the Site and the specific chemicals that have contaminated the Site.

Regarding the source of contamination for the Site, the EPA General Notice Letter states:

> "An *EPA investigation has identified Bay Area Drum (BAD) as the source of contamination at the Site*. BAD is a former drum reconditioner located upgradient of the Site, at 1212 Thomas Avenue. Contamination at the BAD site . . . was cleaned up . . . by a large group of PRPs, pursuant to an order issued by the California Department of Toxic Substances Control (DTSC). *According to DTSC records, your company was one of the parties subject to this order*. The DTSC clean-up addressed soil contamination at the BAD site, . . . but did not consider the potential of contamination reaching the Yosemite Creek Site.
>
> "Inspection and permit records obtained from the San Francisco Department of Public Works indicate that BAD regularly dumped fluids from drums directly into the sewer. Beginning in 1963, as a result of sewer reconfiguration, *the sewer that served BAD flowed directly into the Site during and after precipitation events. . . . . [F]rom 1963 until the closure of BAD in 1987, any materials dumped into the sewer at BAD would have been transported directly to the Site during rain events.*" ¶¶
>
> " . . . *As a result of your company's relationship to BAD, and the linkage between the contamination at BAD and the contamination at the Site, EPA considers [Intel] to be a PRP at the Site as a generator.*" (p. 2) (emphasis added)

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Despite EPA's statement in its General Notice Letter that the Bay Area Drum Site ("BAD Site") is "*the source of contamination at the Site*," certain RFI questions seek information regarding facilities other than the BAD Site, including *all* facilities in California and *all* facilities outside California that shipped drums or other containers to *any* location in the entire state of California. These other facilities throughout California and the United States have no nexus to the Site. Because such questions are not relevant to the Site, they are beyond the scope of EPA's authority as set forth in CERCLA Section 104(e)(2)(A). Thus Intel has limited its review of documents and information to those that are relevant to the Site.

Regarding chemicals that EPA has identified as having contaminated the Site, in its "Request for a Time-Critical Removal Action at the Yosemite Creek Site . . ." ("Time-Critical Removal Action Memo") attached to the EPA General Notice Letter, EPA states:

> ". . . *EPA has concluded that the Site is contaminated with PCB's, DDT, Chlordane, Dieldrin, Lead, Zinc and Mercury* all of which exceed the ERM ["Effects Range Median"] in sediments above 3 feet; . . ." (p. 6) (emphasis added)
>
> "*This action* [the "proposed action", i.e., the Time-Critical Removal Action] *should entirely address the threat posed by PCBs, Dieldrin, Chlordane, DDT, Zinc, Lead and Mercury in Bay sediments at the Site*." (p. 11) (emphasis added)

Consistent with EPA's conclusion in its Time-Critical Removal Action Memo about the chemicals that have contaminated the Site, the RFI defined "COCs" as:

> "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, dichlorodiphenyltrichloroethane ("DDT"), chlordane, dieldrin, and polychlorinated biphenyls ("PCBs")." (p. 5)

Despite the identification in EPA's Time-Critical Removal Action Memo of the chemicals that have contaminated the Site and, therefore, for which EPA has evidence of a release or threatened release to the environment at the Site and the definition in the RFI of what constitute the "COCs" for the Site, certain RFI Questions seek information about a broad range of hazardous substances and/or other chemicals and/or materials. These non-COCs have no nexus to the Site and are not relevant to the Site pursuant to CERCLA Section 104(e)(2)(A). Thus, Intel has limited its review of documents and information to the seven COCs identified by EPA that are relevant to the Site.

2. DTSC 1992 Site Investigation and Request for Information

In the EPA General Notice Letter, EPA stated that the California Department of Toxic Substances Control ("DTSC") had conducted an investigation of the BAD Site and Intel's actions in connection with it and issued an order for remediation of the Site, which order included Intel as a party.

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DTSC's investigation included a May 22, 1992 information request to Intel. Among the DTSC specific requests for information are the following:

> "1) The approximate number of drums shipped to BADC ["Bay Area Drum Company"] between 1948 through 1987.
>
> 2) The nature of the substances contained in subject drums. "

Letter from Ms. Gan, Site Mitigation Branch, Region 2, DTSC, to Mr. Rector, Sr. Environmental Engineer, Intel, dated May 22, 1992, at p. 1.

3. Intel Response to 1992 DTSC Request for Information

On June 24, 1992, Intel sent a letter to DTSC providing Intel's response to the May 22, 1992 DTSC Request for Information. In response to the two requests for information quoted above, Intel's response was:

> "Response 1. *Intel has no records or any knowledge of transporting any drums or causing drums to be transported to Bay Area Drum Company (BADC). A review of Intel's purchasing records, manifests and other available, relevant records and interviews of employees has not identified that Intel ever transported drums to BADC.*"
>
> "Response 2. Not applicable (N/A) -- see response #1." (emphasis added)

Letter from Mr. Rector, Supervisor, Environmental Affairs, Intel, to Ms. Gan, DTSC, dated June 24, 1992, Attachment to Letter, at p. 1.

Subsequent to submitting Intel's response to DTSC, Intel obtained copies of records from DTSC's files that allegedly appear to show shipment of drums between Bay Area Drum Company and Intel. To Intel's knowledge, records from DTSC's files are the only records evidencing some nexus between Intel and the BAD Site.

4. DTSC Records in EPA's Possession

From the EPA General Notice Letter, we understand that EPA is in possession of DTSC records regarding the BAD Site. To the extent that EPA is not in possession of these records, they are readily available to EPA. Thus, the focus of Intel's identification, review and retrieval of documents has been on documents that have not been previously provided to DTSC, EPA, or any other governmental agency and that are relevant to the Site.

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5. *Bay Area Drum Ad Hoc PRP Agreement to Provide Intel a Defense to EPA's Claims With Respect to the Yosemite Cree Site*

As noted above, in response to EPA's General Notice Letter, on June 30, 2008, Mr. van Aelstyn, of B&D, wrote Mr. Massey, of EPA, to inform him that

> "*[p]ursuant to separate agreements* relating to the 1212 Thomas Avenue Site [i.e. the BAD Site] that were entered into between the current eleven members of the Group and each of [28 listed entities {which include Intel}], the current eleven members of the Group will be providing each of these 28 other entities with a defense to EPA's claims with respect to the Yosemite Creek Site, subject to certain reservations of rights." (emphasis added)

For Intel, the agreement referred to by Mr. van Aelstyn is the "De Minimis Buy-Out and Indemnity Agreement Between the Bay Area Drum Ad Hoc PRP Group and Certain De Minimis PRPs" (May 1995).

6. *Conclusion*

In sum, in light of the above, Intel has limited its review of documents and information to those that are relevant to the Site and to the seven COCs identified by EPA that are relevant to the Site. The focus of Intel's identification, review, and retrieval of documents has been on documents that are relevant to the Site and that have not been previously provided to DTSC, EPA, or any other governmental agency.

Notwithstanding Intel's objections to the RFI, as provided in this letter, and without waiving any of its objections, Intel has undertaken a good faith effort to locate and furnish documents and information in its possession, custody, and control that are responsive to the RFI.

B. <u>Intel's General Objections to the EPA RFI</u>

In addition to the objections Intel has provided above, Intel asserts the following general privileges, protections and objections with respect to the RFI and each information request therein.

1. Intel asserts all privileges and protections it has with regard to the documents and other information sought by EPA, including the attorney-client privilege, the joint-defense or common interest privilege, the attorney work product doctrine, all privileges and protections related to materials generated in anticipation of litigation, the settlement communication protection, the confidential business information ("CBI") and trade secret protections, and any other privilege or protection available to it under law. In the event that a privileged or protected document has been inadvertently included among the documents produced in response to the RFI, Intel asks that any such document be returned to Intel immediately and states for the record that it is not thereby waiving any available privilege or protection as to any such document.

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2. In the event that a document containing CBI or trade secrets has been inadvertently included among the documents provided in response to the RFI, Intel asks that any such documents be returned to Intel immediately so that Intel may resubmit the document in accordance with the applicable requirements for the submission of Confidential Information.

3. Intel objects to any requirement to produce documents or information already in the possession of a government agency, including but not limited to DTSC, or already in the public domain. As noted above, DTSC conducted an investigation of the BAD Site and Intel's actions in connection with it. DTSC's investigation included an information request to Intel and the DTSC records include Intel's Response to DTSC's information request. We understand that EPA is already in possession of DTSC's records regarding the BAD Site, and to the extent that EPA is not in possession of these records, they are readily available to EPA.

4. Intel objects to the phrases "any person covered by this request" and "provide such information" in Instruction 3 because they are vague and ambiguous. For any Information Request that requests a narrative response, Intel will include information in its narrative response that is within its possession, custody, or control and is not privileged or otherwise subject to an objection stated herein whether or not such information is memorialized in a document.

5. Intel objects to Instruction 4 to the extent it seeks to require Intel, if information responsive to the RFI is not in its possession, custody, or control, to identify any and all persons from whom such information "may be obtained." Intel is aware of no obligation that it has under Section 104(e) of CERCLA to identify all or any other persons who may have information responsive to EPA information requests and, in addition, is not otherwise in a position to identify all or any such persons who may have such information.

6. Intel objects to Instruction 5 on the ground that EPA has no authority to impose a continuing obligation on Intel to supplement these responses. Intel will comply with any lawful future requests that are within EPA's authority.

7. Intel objects to Instruction 6 in that it purports to require Intel to seek and collect information and documents in the possession, custody or control of individuals not within the custody or control of Intel. EPA lacks the authority to require Intel to seek information not in its possession, custody or control.

8. Intel objects to the RFI's definition of "document" or "documents" in Definition 3 to the extent it extends to documents not in Intel's possession, custody, or control. Intel disclaims any responsibility to search for, locate, and provide EPA copies of any documents "known [by Intel] to exist" but not in Intel's possession, custody, or control.

9. Intel objects to the RFI's definition of "Facility" or "Facilities" in Definition 4 because the terms are overbroad to the extent that they extend to facilities with no connection to either the Site or the BAD Site. Moreover, the term "Facilities" as defined in the RFI is confusing and unintelligible.

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10. Intel objects to the definition of "identify" in Definition 7 under the Right to Privacy to the extent that the definition encompasses home addresses of natural persons. Subject to this objection, current Intel employees and any other natural persons are identified by name and corporate address. Intel requests that any contacts with Intel employees identified in these responses or the related documents be initiated through Intel.

11. Intel objects to the phrase "brief description of the business" in Definition No. 8 as vague and ambiguous.

12. Intel objects to the phrase "normal business operation" in Definition No. 9 as vague and ambiguous.

13. Intel objects to the terms "hazardous wastes" and "solid wastes" in Definition No. 10 because these terms are not defined in the Enclosure, as stated in the definition, and, as such, the terms are vague and ambiguous.

14. Intel objects to the sentence in Definition No. 12 that reads "Petroleum products mixed with pollutants and contaminants are also included" because the meaning of this sentence is vague and ambiguous and does not enable Intel to determine what petroleum products come within the scope of the definition and is not consistent with the definition stated in Section 101(33) of CERCLA, which is how Definition 12 defines the terms "pollutant" or "contaminant."

15. Intel objects to the definition of "Respondent," "you," "company," "your," and "your company" in Definition 14 because the terms are overbroad and it is not possible for Intel to answer questions on behalf of all the persons and entities identified therein. Intel further objects to the term "affiliates" as vague and ambiguous.

16. Intel objects to EPA's requests that Intel provide EPA separately information that is contained in documents being furnished by Intel in response to the RFI. Where documents have been provided in connection with a response, information sought by EPA in the corresponding request for information that is set forth in those documents is not furnished separately. To do otherwise would be unduly burdensome.

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C. Intel's Responses to the EPA RFI "Information Request Questions"

NOTE: The numbered items below correspond to the numbers of the EPA RFI "Information Request Questions."

1. *Describe generally the nature of the business conducted by Respondent and identify the products manufactured, formulated, or prepared by Respondent throughout its history of operations.*

RESPONSE:

In addition to the General Objections set forth above, Intel objects to this Question as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Intel designs, manufactures, and sells advanced integrated digital technology products, primarily integrated circuits, for industries such as computing and communications. Integrated circuits are semiconductor chips etched with
interconnected electronic switches. Intel also develops integrated suites of digital computing technologies that are designed and configured to work together to provide an optimized user computing solution compared to components that are used
separately. Identifying each of the products manufactured by Intel is not feasible due to Intel's multi-decade production history during which time Intel has produced numerous different products in locations throughout the world. For additional information regarding Intel's business operations, please see www.intel.com

2. *Provide the name (or other identifier) and address of any facilities where Respondent carried out operations between 1940 and 1988 (the "Relevant Time Period") and that:*

   a. *ever shipped drums or other containers to the BAD Site for recycling, cleaning, reuse, disposal, or sale.*

   b. *are/were located in California (excluding locations where ONLY clerical/office work was performed);*

   c. *are/were located outside of California and shipped any drums or other containers to California for recycling, cleaning, reuse, disposal, or sale (for drums and containers that were shipped to California for sale, include in your response only transactions where the drums and containers themselves were an object of the sale, not transactions where the sole object of the sale was useful product contained in a drum or other container).*

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RESPONSE:

In addition to the General Objections set forth above, Intel objects to this Question as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." And as stated in the EPA General Notice Letter, EPA has identified the BAD Site as the source of contamination at the Yosemite Creek Site. But, in addition to facilities with a connection to the BAD Site, Question No. 2 purports also to seek information regarding *any* facility located in California (excluding locations where ONLY clerical/office work was performed) and *any* facility located outside of California that shipped drums or other containers to *any* location in California, even to locations other than the BAD Site. These other facilities have no nexus with the BAD Site, and thus this Question seeks information that is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Intel has confirmed that, based on its own records, Intel has no records or any knowledge of transporting any drums or causing drums to be transported to the BAD Site. As noted above, to Intel's knowledge, DTSC records exist that allegedly appear to show shipment of drums between Bay Area Drum Company and Intel. To Intel's knowledge the DTSC records are the only records evidencing some nexus between Intel and the BAD Site.

3. *Provide a brief description of the nature of Respondent's operations at each Facility identified in your response to Question 2 (the "Facilities") including:*

   a. *the date such operations commenced and concluded; and*

   b. *the types of work performed at each location over time, including but not limited to the industrial, chemical, or institutional processes undertaken at each location.*

RESPONSE:

In addition to the General Objections set forth above, Intel objects to this Question as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. In particular, but without limiting the generality of the foregoing objection, Intel objects to the Question in (b.) that it describe "types of work performed at each location over time . . . ." Without an identification by EPA of the types of work to which it is referring, given the broad nature of possible work at Intel's facilities, it would be virtually impossible to describe each and every type of work that was performed at any Intel facility. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this Question is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, *see* response to Question No. 2.

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4. *For each Facility, describe the types of records regarding the storage, production, purchasing, and use of Substances of Interest ("SOI") during the Relevant Time Period that still exist and the periods of time covered by each type of record.*

RESPONSE:

In addition to the General Objections set forth above, Intel objects to this Question as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome to the extent it seeks to require Intel to describe "the types of records." Without an identification by EPA of the types of records to which it is referring, given the broad nature of possible records at Intel's facilities, it would be virtually impossible to describe each and every type of record at any Intel facility. Intel further objects to Question No. 4 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, *see* response to Question No. 2.

5. *Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store one of the COCs (including any substances or wastes containing the COCs) at any of the Facilities? State the factual basis for your response.*

RESPONSE:

In addition to the General Objections set forth above, Intel objects to this Question as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. By removing any temporal limit and any nexus between COCs at Intel's Facilities and the BAD Site, Question No. 5 purports to seek information relating to Intel's Facilities that is not relevant to contamination at the Site.

Notwithstanding the foregoing, and without any waiver of its objections, *see* response to Question No. 2.

6. *If the answer to Question 5 is yes, identify each COC produced, purchased, used, or stored at each Facility.*

RESPONSE:

Notwithstanding the foregoing, and without any waiver of its objections, *see* responses to Questions No. 2 and 5.

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7. *If the answer to Question 5 is yes, identify the time period during which each COC was produced, purchased, used, or stored at each Facility.*

RESPONSE:

Notwithstanding the foregoing, and without any waiver of its objections, *see* responses to Questions No. 2 and 5.

8. *If the answer to Question 5 is yes, identify the average annual quantity of each COC produced, purchased, used, or stored at each Facility.*

RESPONSE:

Notwithstanding the foregoing, and without any waiver of its objections, *see* response to Questions No. 2 and 5.

9. *If the answer to Question 5 is yes, identify the volume of each COC disposed by the Facility annually and describe the method and location of disposal.*

RESPONSE:

Notwithstanding the foregoing, and without any waiver of its objections, *see* responses to Questions No. 2 and 5.

10. *Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store hydraulic oil or transformer oil at any of the Facilities? State the factual basis for your response to this question.*

RESPONSE:

In addition to the General Objections set forth above, Intel objects to this Question as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. By removing any temporal limit and any nexus between hydraulic oil or transformer oil at Intel's Facilities and the BAD Site, Question No. 10 purports to seek information relating to Intel's Facilities that is not relevant to contamination at the Site. Intel further objects to Question No. 10 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site.

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Notwithstanding the foregoing, and without any waiver of its objections, *see* responses to Questions No. 2 and 5.

11. *If the answer to Question 10 is yes, identify each specific type of hydraulic oil and transformer oil produced, purchased, used, or stored at each Facility.*

RESPONSE:

Notwithstanding the foregoing, and without any waiver of its objections, *see* responses to Questions No. 2, 5 and 10.

12. *If the answer to Question 10 is yes, identify the time period during which each type of hydraulic oil and transformer oil was produced, purchased, used, or stored.*

RESPONSE:

Notwithstanding the foregoing, and without any waiver of its objections, *see* responses to Questions No. 2, 5 and 10.

13. *If the answer to Question 10 is yes, identify the average annual quantity of each type hydraulic oil and transformer oil purchased, produced, used, or stored at each Facility.*

RESPONSE:

Notwithstanding the foregoing, and without any waiver of its objections, *see* responses to Questions No. 2, 5 and 10.

14. *If the answer to Question 10 is yes, identify the volume of each hydraulic oil and transformer oil disposed by the Facility annually and describe the method and location of disposal.*

RESPONSE:

Notwithstanding the foregoing, and without any waiver of its objections, *see* responses to Questions No. 2, 5 and 10.

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15. *Provide the following information for each SOI (SOIs include any substance or waste containing the SOI) identified in your responses to Questions 5 and 10:*

a. *Describe briefly the purpose for which each SOI was used at the Facility. If there was more than one use, describe each use and the time period for each use;*

b. *Identify the supplier(s) of the SOIs and the time period during which they supplied the SOIs, and provide copies of all contracts, service orders, shipping manifests, invoices, receipts, canceled checks and other documents pertaining to the procurement of the SOI;*

c. *State whether the SOIs were delivered to the Facility in bulk or in closed containers, and describe any changes in the method of delivery over time;*

d. *Describe how, where, when, and by whom the containers used to store the SOIs (or in which the SOIs were purchased) were cleaned, removed from the Facility, and/or disposed of, and describe any changes in cleaning, removal, or disposal practices over time.*

RESPONSE:

In addition to the General Objections set forth above, Intel objects to this Question as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Question No. 15 purports to seek information relating to Intel's Facilities that is not relevant to contamination at the Site. Intel further objects to Question No. 15 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site. By removing any temporal limit and any nexus between SOIs at Intel's Facilities and the BAD Site, Question No. 15 purports to seek information relating to Intel's Facilities that is not relevant to contamination at the Site.

Notwithstanding the foregoing, and without any waiver of its objections, *see* responses to Questions No. 2, 5 and 10.

16. *For each SOI delivered to the Facilities in closed containers, describe the containers, including but not limited to:*

a. *the type of container (e.g. 55 gal. drum, tote, etc.);*

b. *whether the containers were new or used; and*

c. *if the containers were used, a description of the prior use of the container.*

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RESPONSE:

In addition to the General Objections set forth above, Intel objects to this Question as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Question No. 16 purports to seek information relating to Intel's Facilities that is not relevant to contamination at the Site.

Notwithstanding the foregoing, and without any waiver of its objections, *see* responses to Questions No. 2 and 15.

17. *For each container that Respondent used to store a SOI or in which SOIs were purchased ("Substance-Holding Containers" or "SHCs") that was later removed from the Facility, provide a complete description of where the SHCs were sent and the circumstances under which the SHCs were removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE:

In addition to the General Objections set forth above, Intel objects to this Question as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Intel further objects to Question No. 17 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site.

Additionally, as stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Question No. 17 purports to seek information regarding SHCs that were sent to sites other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this Question is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, *see* responses to Questions No. 2 and 15.

18. *For each SHC that was removed from the Facility, describe Respondent's contracts, agreements, or other arrangements under which SHCs were removed from the Facility, and identity all parties to each contract, agreement, or other arrangement described. Distinguish between the Relevant Time Period and the time period since 1988.*

RESPONSE:

In addition to the General Objections set forth above, Intel objects to this Question as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in

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the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Question No. 18 purports to seek information regarding SHCs that were sent to sites other then the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this Question is not relevant to the Site. Intel further objects to Question No. 18 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, *see* responses to Questions No. 2 and 15.

19. *For each SHC, provide a complete explanation regarding the ownership of the SHC prior to delivery, while onsite, and after it was removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE:

In addition to the General Objections set forth above, Intel objects to this Question as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Question No. 18 purports to seek information regarding SHCs that were sent to sites other then the BAD Site.

Notwithstanding the foregoing, and without any waiver of its objections, *see* responses to Questions No. 2 and 15.

20. *Identify all individuals who currently have, and those who have had, responsibility for procurement of Materials at the Facilities. Also provide each individual's job title, duties, dates performing those duties, current position or the date of the individual's resignation, and the nature of the information possessed by each individual concerning Respondent's procurement of Materials.*

RESPONSE:

In addition to the General Objections set forth above, Intel objects to this Question as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Question No. 20 purports to seek information relating to Intel's facilities that is not relevant to contamination at the Site. Intel further objects to Question No. 20 as it purports to seek information regarding procurement of "Materials" at facilities other than the BAD Site and thus goes beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment.

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Notwithstanding the foregoing, and without any waiver of its objections, *see* response to Question No. 2.

21. *Describe how each type of waste containing any SOIs was collected and stored at the Facilities prior to disposal/recycling/sale/transport, including*:

a. *the type of container in which each type of waste was placed/stored*;

b. *how frequently each type of waste was removed from the Facility; Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE:

In addition to the General Objections set forth above, Intel objects to this Question as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Question No. 21 purports to seek information regarding collection and storage of "any SOIs" at facilities other than the BAD Site. Intel further objects to Question No. 21 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this Question is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, *see* response to Question No. 2.

22. *Describe the containers used to remove each type of waste containing any SOIs from the Facilities, including but not limited to*:

a. *the type of container (e.g. 55 gal. drum, dumpster, etc.)*;

b. *the colors of the containers*;

c. *any distinctive stripes or other markings on those containers*;

d. *any labels or writing on those containers (including the content of those labels)*;

e. *whether those containers were new or used; and*

f. *if those containers were used, a description of the prior use of the container*;

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